

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

IN RE CREDIT DEFAULT SWAPS AUCTIONS  
LITIGATION

Case No.: 1:21-cv-00606-KJG-JHR

**STIPULATION REGARDING VOLUNTARY DISMISSAL OF CLAIMS  
AGAINST DEFENDANT INTERNATIONAL SWAPS  
AND DERIVATIVES ASSOCIATION, INC.**

WHEREAS, on June 30, 2021, Plaintiff New Mexico State Investment Council commenced the above-captioned action (the “Action”) by filing a class action complaint (the “Complaint”), *see* ECF No. 1;

WHEREAS, on November 15, 2021, Defendant the International Swaps and Derivatives Association, Inc. (“ISDA”) moved to dismiss the Complaint, *see* ECF No. 141;

WHEREAS, in accordance with the Stipulation and Order Regarding Service and Time to Respond to the Complaint, *see* ECF No. 77, on December 15, 2021, Plaintiff advised ISDA that Plaintiff elects to amend the Complaint in response to Defendant ISDA’s Motion to Dismiss the Complaint, *see* ECF No. 144;

WHEREAS, on December 20, 2021, Plaintiff and Defendants, including ISDA, submitted to the Court a Stipulation and [Proposed] Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint, *see* ECF No. 144, stating, in part, that Plaintiff will file an amended class action complaint (the “Amended Complaint”) on or before February 4, 2022;

WHEREAS, on December 22, 2021, the Court entered the Stipulation and Order Regarding Filing the Amended Complaint and Time to Respond to the Amended Complaint; *see* ECF No. 145;

NOW, THEREFORE, IT IS STIPULATED AND AGREED:

1. Plaintiff agrees to voluntarily dismiss all claims against ISDA without prejudice to reassert such claims against ISDA at a later time should evidence arise in discovery or otherwise reveal information providing a basis for joining ISDA on the claims being litigated in this case.

2. The Parties further agree that any statute of limitation, statute of repose, or other time-related defense or claim shall be tolled as to ISDA. Any claim against ISDA will be deemed to have been filed on June 30, 2021 (the filing date of the Complaint) and tolling as to all such claims shall extend until final adjudication or dismissal (after all appeals) of the Action. The Parties hereto also agree that ISDA will not assert a statute of limitations or statute of repose defense based on this dismissal without prejudice or the time period excluded by this tolling agreement.

3. The Parties further agree that ISDA will respond to all discovery requests as if it remained a defendant in the Action, subject to the Federal Rules of Civil Procedure and analogous local rules. ISDA does not waive and expressly reserves any objections that it may properly assert in response to any discovery requests from Plaintiff.

Dated: February 3, 2022

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*Electronically Approved 2/3/2022*

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